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In re Application of
Walsh, Jr.
Application No. 10/731,561
Filed: December 3, 2003
Attorney Docket No. WAL03-0001

OFFICE OF PETITIONS
ON PETITION

This decision concerns the June 25, 2004 "Petition for Reinstatement of Filing Date" which is being properly treated as a petition under 37 CFR 1.53 that the above-referenced application be accorded a filing date of December 9, 2003.

The petition is **GRANTED**.


The application was deposited on December 9, 2003. On June 1, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" ("6/1/04 Notice"), stating that the application had not been accorded a filing date because it was deposited without drawings. It is noted that the specification filed on December 9, 2003 describes Figures 1-5, but no drawings of figure are in the USPTO file for this application.

Petitioner asserts that 5 sheets of drawings were filed on December 9, 2003 with the remaining application papers. In support, the petition is accompanied by a copy of a postcard receipt, indicating filing in the USPTO for this application on December 9, 2003 of, *inter alia*, 5 sheets of drawings. The Office thus concludes that 5 sheets of drawing had been filed on December 9, 2003 and received by the USPTO, but were subsequently misplaced.

In view of the above, the petition is **granted**. The 6/1/04 Notice was mailed in error and is hereby vacated. The \$130 petition fee has been refunded.

The application file is being returned to OIPE for further processing with a filing date of December 9, 2003, using the papers filed on that date and supplemented with the 5 sheets of drawings (Figures 1-5) submitted with the instant petition; for indicating in the USPTO record that 5 sheets of drawings were present on filing; and for mailing a Filing Receipt.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.


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